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Attorneys for Plaintiffs
DAREN HEATHERLY and IRMA RAMIREZ

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAREN HEATHERLY and IRMA RAMIREZ,
Plaintiffs,

v.

MARISCO'S LA JAIBA; XU TRUONG and
AHN HOANG, TRUSTEES OF THE
TRUONG/HOANG FAMILY TRUST, U.D.T.
dated March 18, 1997; and MIGUEL PELAYO
MONTIEL, an individual dba MARISCO'S LA
JAIBA,

Defendants.

Case No.: CV 11-1069 MEJ

Unlimited Civil Matter

**THIRD STIPULATION EXTENDING
TIME FOR DEFENDANT XU TRUONG
and ANH HOANG, TRUSTEES OF THE
TRUONG/HOANG FAMILY TRUST TO
RESPOND TO PLAINTIFFS'
COMPLAINT AND EXTENDING DATES
IN SCHEDULING ORDER; AND
[PROPOSED] ORDER THEREON**

Plaintiffs DARREN HEATHERLY AND IRMA RAMIREZ (hereinafter "Plaintiffs") and
Defendants MARISCO'S LA JAIBA (hereinafter "Marisco's"); XU TRUONG and ANH HOANG
(erroneously sued herein as AHN HOANG), TRUSTEES OF THE TRUONG/HOANG FAMILY
TRUST, U.D.T. dated March 18, 1997 (hereinafter "Defendant Truong"); and MIGUEL PELAYO
MONTIEL, an individual dba MARISCO'S LA JAIBA (hereinafter "Montiel"), by and through their
respective counsel, respectfully request to make the following stipulation:

1. WHEREAS, all Defendants have been served with the Summons and Complaint; and
2. WHEREAS, Defendants Marisco's and Montiel have filed an Answer to the
Complaint; and

1 3. WHEREAS, the Court has entered two prior Orders extending the dates in the
2 Scheduling Order based on Stipulations agreed to by the parties.

3 4. WHEREAS, the Court's July 11, 2011 Order extended the dates in the Scheduling
4 Order as follows:

5 Defendant Truong's response to the Complaint due July 14, 2011.

6 Parties to complete Initial Disclosures by July 15, 2011.

7 Parties to hold a joint inspection of the premises by July 22, 2011.

8 Parties to meet and confer in person to discuss settlement by August 1, 2011.

9 Plaintiff's file "Notice of Need for Mediation" by September 6, 2011.

10 5. WHEREAS, on July 5, 2011, Defendant Truong made a written settlement offer to
11 Plaintiffs. Plaintiffs are presently considering Defendant Truong's settlement offer.

12 6. WHEREAS, Defendant Truong and Plaintiffs continue to actively attempt to negotiate
13 a settlement in the above-referenced case, and wish to reduce fees, costs and litigation expenses in
14 doing so.

15 7. WHEREAS, the parties believe it would be in the interests of efficiency and economy
16 to extend the time for Defendant Truong to respond to Plaintiff's Complaint and to further extend for
17 two weeks the dates in the July 11, 2011 Order.

18 IT IS STIPULATED that:

19 1. Defendant Truong will have up to and including July 28, 2011 to respond to the
20 Complaint;

21 2. The parties will complete initial disclosures by July 29, 2011;

22 3. The parties will hold a joint inspection of the premises by August 5, 2011;

23 4. The last day for the parties to meet and confer in person to discuss settlement is
24 August 15, 2011;

5. The last day for Plaintiffs to file "Notice of Need for Mediation" is September 20, 2011.

DATED: July 13, 2011

THOMAS E. FRANKOVICH,
A Professional Law Corporation
Attorneys for Plaintiffs
DAREN HEATHERLY and IRMA RAMIREZ

By: /s/ Thomas E. Frankovich
Thomas E. Frankovich

DATED: July 13, 2011

AARON & WILSON, LLP
Attorneys for Defendants
MARISCO'S LA JAIBA; MIGUEL PELAYO
MONTIEL, an individual dba MARISCO'S LA
JAIBA

By: /s/ Robert S. Aaron
Robert S. Aaron

DATED: July 13, 2011

HATCHER & RUNDEL
Attorneys for Defendants
MARISCO'S LA JAIBA; MIGUEL PELAYO
MONTIEL, an individual dba MARISCO'S LA
JAIBA

By: /s/ William W. Hatcher, Jr.
William W. Hatcher, Jr.

DATED: July 13, 2011

SPAULDING McCULLOUGH & TANSIL LLP
Attorneys for Defendants
XU TRUONG and ANH HOANG, Trustees of the
TRUONG/HOANG FAMILY TRUST, U.D.T. dated
March 18, 1997 (erroneously sued herein as AHN
HOANG)

By: /s/ Mary P. Derner
Mary P. Derner

ORDER

IT IS SO ORDERED that Defendant Truong will have up to and including July 28, 2011 to respond to the Complaint.

IT IS FURTHER ORDERED that the parties will complete initial disclosures by July 29, 2011;

1 IT IS FURTHER ORDERED that the parties will hold a joint inspection of the premises by
2 August 5, 2011.

3 IT IS FURTHER ORDERED that the last day for the parties to meet and confer in person to
4 discuss settlement is August 15, 2011;

5 IT IS FURTHER ORDERED that the last day for Plaintiffs to file "Notice of Need for
6 Mediation" is September 20, 2011.

7
8 Dated: July 15, 2011


THE HONORABLE MARIA-ELENA JAMES
United States Magistrate Judge